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P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to: 571.273.8300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT APPLICATION OF
JOHN CHOATE

APPLICATION NO: 10/780,476
FILED: FEBRUARY 16, 2004

CONFIRMATION NO: 1542
ART UNIT: 3736
EXAMINER: J. HOEKSTRA

FOR: METHOD TO REDUCE INFLAMMATION, ETC.

Petition To Withdraw Holding of Abandonment 37 CFR 1.181

1. **Petition To Withdraw Holding of Abandonment** (See ~~ATA~~ Manual of Patent Examining Procedure 711.03(c) I) and 37 CFR § 1.181). No fee required. Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181, to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment [September 12, 2007] may be dismissed as untimely under 37 CFR § 1.181(f). For a petition to be granted, the evidence must be sufficient according to one of the following standards:

- 37 CFR § 1.8(b) Certificate of Mailing [April 12, 2007]
- 37 CFR § 1.10 "Express Mail" mailing
- MPEP 503 Postcard Receipt as Prima Facie Evidence

Petition To Withdraw Holding Of Abandonment should be addressed as follows:

Mail Stop: Issue Fee
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to: 571.273.8300

2. Please see the attached copy of the Certified Mailing receipt #_7007 0220 0002 5011 5817

Dated 12 April 2007 for the Response to office action of 13 October 2006, with \$510 fee paid to extend the time 3 months to 13 April 2007.

3. 37 CFR 1.8 - Sec. 1.8 Certificate of mailing or transmission.

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(a) Except in the situations enumerated in paragraph (a)(2) of this section or as otherwise expressly excluded in this chapter, correspondence required to be filed in the U.S. Patent and Trademark Office within a set period of time will be considered as being timely filed if the procedure described in this section is followed. The actual date of receipt will be used for all other purposes.

(1) Correspondence will be considered as being timely filed if:

(i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:

(A) Addressed as set out in Sec. 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail;

(B) Transmitted by facsimile to the Patent and Trademark Office in accordance with Sec. 1.6(d); or

(C) Transmitted via the Office electronic filing system in accordance with Sec. 1.6(a)(4); and

(ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

I submit the certified mail receipt of the US Post Office satisfies the requirements.

4. As I mailed it from Arlington Virginia, I had a reasonable basis to expect the response to be delivered the next day, April 13, 2007, in Alexandria to the Post Office. It may have been so delivered, although not stamped in by the USPTO until Monday April 16th.

5. The certified mail stamp [April 12, 2007] was on the cover of the envelope. Apparently the envelope, with the green receipt was lost or separated from the response.

6. The response [April 12, 2007] has been copied and filed on the PAIR as of 4-16-2007, including Amendment, Specification, abstract, claims, and extension of time form and fee. At that time I filed a petition to waive fee, with an appropriate fee, which was denied on 8-6-2007.

7. I certify On April 12, 2007, I mailed the Response to the October 8, 2006 to the USPTO, by first class postage prepaid certified mail. I attach to this fax the certified mail receipt. Signed John Choate *John Choate*

8. I Certify I am faxing this petition and supporting documents to Mail Stop: Issue Fee Commissioner For Patents [P.O. Box 1450 Alexandria, VA 22313-1450] Or faxed to: 571.273.8300 this date.

John Choate
JOHN CHOATE, COPYRIGHT 2007

I CERTIFY I FAXED THIS PETITION AS DESCRIBED. *John Choate* JOHN CHOATE

PO Box 9949, ARLINGTON VA 22219-9949

703-241-2343

OCTOBER 1, 2007

ATTACHED: CERTIFIED MAIL RECEIPT AND SALES RECEIPT ALEXANDRIA VA 22313

Choate

10/780.476

7007 0220 0002 5011 5817

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only. No Insurance Coverage Provided)

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Sent to: **USPTO - MS Ann G. (Inland)**
 Street, Apt. No.: **1450**
 or PO Box No.:
 City, State, ZIP+4: **Alexandra 22313-1450**

PS Form 3800, August 2005 See Reverse for Instructions

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